



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of Goupil et al.

#11,6
Reg for
Recons

Filing Date: March 13, 2001

Examiner: Di Nola-Baron, L.

Serial No.: 09/805,483

Art Unit: 1615

Title: Hydrogel Biomedical Articles

Assistant Commissioner for Patents
Washington DC 20231
Box AF

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RESPONSE TO FINAL OFFICE ACTION

The following comments and amendments are submitted in response to the Office Action mailed on October 17, 2002. This Response is accompanied by a Request for a three month extension of time pursuant to 37 CFR 1.136(a) and a credit card authorization form for the required fee of \$930.00. A copy of a Notification of Change in Small Entity Status filed today is enclosed.

It is respectfully submitted that the Office Action should not be final. The new ground of rejection stated in the Office Action was not initiated by an amendment to the claims. The claims were amended simply to restate a dependent claim in independent form.

REMARKS

The Office Action

All of the pending claims are provisionally rejected for obviousness-type double patenting over claims 1-14, 31-48 and 50-69 of co-pending application Serial No. 09/804,925 and claims 1-17, 31-48, and 50-65 of co-pending application Serial No. 09/804,963.

Claims 39-61 are rejected as being obvious over U.S. Patent No. 6,265,509 to Müller ("Müller") alone or in view of U.S. Patent No. 6,162,844 to Lally et al. ("Lally").

Claims 1, 5, 6, and 8-13 are rejected as being obvious over Müller in view of Thanoo et al. (J. Pharm. Pharmacol.). This is a new rejection that was not made necessary by claim amendments by the Applicants. Claims drawn specifically to microspheres were present in the application as filed (see claims 16 and 35). Accordingly, the Office Action should not be Final.